

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF	)	
MOMENTUM TELECOM, INC. WITH	)	
BELLSOUTH TELECOMMUNICATIONS,	)	CASE NO. 2006-00058
INC. PURSUANT TO THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	

O R D E R

On February 10, 2006, Momentum Telecom, Inc. ("Momentum") petitioned this Commission for arbitration of unresolved issues between itself and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky"). On September 23, 2008 and September 24, 2008, Momentum and AT&T Kentucky, respectively, filed separate notices agreeing to dismissal of this action. The parties request that, if dismissal is granted, the dismissal should be issued without prejudice and without a requirement obliging each party to waive its rights under this action.

Having reviewed the statements of the parties, and being otherwise sufficiently advised, the Commission HEREBY ORDERS that:

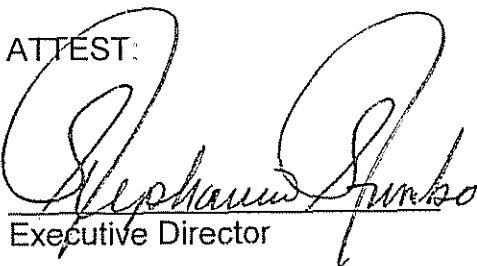
1. This matter is dismissed, without prejudice.
2. There shall not be a waiver of any of the rights of either Momentum or AT&T Kentucky, as afforded to them under this petition.
3. This matter is closed and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 8th day of October, 2008.

By the Commission

Chairman Armstrong Abstains.

ATTEST:

  
Executive Director